

Remarks/Arguments

Claims 1-62 are, and will continue to be pending in this application upon entry of this response. Claims 1, 3, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 37, 49, 52 and 59 have been amended herein. No additional fee is due at this time.

The Examiner has rejected claims 1-27, 29-31, 33-35, 37-39, 41-43, 45, 47-54 and 56-60 under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,678,046 to Cahill et al. (“Cahill”), in combination with published U.S. Patent Application 2004/0148235 to Craig et al. (“Craig”) and further in combination with published U.S. Patent Application 2005/0033685 to Reyes. Applicants reiterate their previous remarks with respect to Cahill and Craig. For a proper rejection of a claim based on Section 103, the prior references must teach or suggest all the claim limitations. M.P.E.P. § 2143. All of Applicants’ claims, as amended, contain recitations for which no corresponding teaching can be found in either Cahill or Craig. Neither Cahill nor Craig disclose or suggest a centralized storage system from which images can be *retrieved* by at least two banks. Cahill teaches a system for check archiving within an individual bank. Craig is directed to sending images from one bank to another. Each bank in Craig maintains its own copy of the images in its own client exchange server for its own exclusive use. The “central exchange server” referred to in Craig is for temporarily storing images for forwarding from one bank to another. *Banks cannot retrieve images from the central image exchange server of Craig.*

In response to the above line of reasoning, the Examiner has, in the most recent office action, added Reyes to the art cited with respect to rejecting Applicants’ claims under Section 103. However, Reyes is not properly combinable with Cahill and Craig. Cahill and Craig are related to paper checks and the check clearing process. Reyes is directed to a retail merchant system making use of electronic document templates to process smart card enabled payments in a way that mimics the use of checks. There are no actual checks used in Reyes, and in fact the point of Reyes is to avoid using actual checks. Reyes therefore teaches directly away from Applicants’ claims, which are directed to substantially centralized storage of check images. In addition, the use of image replacement documents as invoked by Reyes is inconsistent with the use of image replacement documents as envisioned by Check 21 legislation, which Applicants invention is, at least in part, designed to take advantage of. The combination of Reyes with Cahill and Craig would also render at least one reference unsuitable for its intended purpose,

since Cahill and Craig are directed to working with images of actual checks and Reyes is directed to avoiding the use of checks. A combination that would render one reference or the other unsatisfactory for its intended purpose is improper. M.P.E.P. § 2143.01. Applicants' claims are patentable over the combination of Cahill, Craig and Reyes for at least this reason.

Even assuming *arguendo* that Cahill, Craig and Reyes could properly be combined, Applicants' independent claims 1, 9, 17, 25, 37, 49, 52 and 59, as amended, all recite the use of check *images* (plural) contained in a "single file." That is, even though the methods and systems of Applicants' invention may work with many files concurrently, a single file can contain multiple check images. Applicants' invention, as claimed, operates in a batch mode because it uses information related to the check clearing process and serves to further enable that process, which uses cash letter or similar files of one type or another in which multiple items are referenced at once. Cahill, Craig and Reyes all work in substantially real time with individual items. Support for the concept of a single file with multiple items can be found at in the specification, for example, paragraphs [0022] and [0023]. Claims 2-8, 10-16, 18-24, 26, 27, 29-31, 33-35, 38, 39, 41-43, 45, 47, 48, 50, 51, 53, 54, 56-58 and 60 all incorporate this recitation through dependency. Claims 1-27, 29-31, 33-35, 37-39, 41-43, 45, 47-54 and 56-60 cannot be obvious in view of Cahill, Craig and Reyes for at least this additional reason.

The Examiner has rejected claims 28, 32, 36, 40, 44, 46, 55, 61 and 62 under 35 U.S.C. §103(a) as being obvious in view of Cahill in combination with Craig, and further in combination with U.S. Patent 5,784,610 to Copeland, III et al. ("Copeland"). All of these claims are dependent from at least one of the claims discussed above. The Examiner in citing Reyes, has implicitly admitted that the base claims are patentable over the combination of Cahill and Craig. Copeland is cited merely for the proposition that CIMS keys can be used as unique handles. Even assuming the omission of Reyes from the statement of rejection of these claims was an oversight, the Examiner relies on Cahill, Craig and Reyes for teaching corresponding to the recitations of the base claims, so that claims 28, 32, 36, 40, 44, 46, 55, 61 and 62 are patentable over the combination of Cahill, Craig, Reyes and Copeland for at least the same reasons already discussed above.

Applicants have amended dependent claims 3, 7, 11, 13, 15, 19, 21 and 23 merely for consistency with the amended base claims. Applicants trust that these dependent claim amendments require no further discussion.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Entry of this response and reconsideration of this application as amended is hereby requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. B. Phillips", is written over a horizontal line.

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